



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

JACK E. HAKEN

US010141

Serial No. 09/821,121

Confirmation No. 5640

Filed: March 29, 2001

Group Art Unit: 2614

PERSONAL TV RECEIVER (PTR) WITH RECOMMENDATION
FORWARDING FUNCTION

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Commissioner for Patents
Washington, D.C. 20231

JUL 29 2003

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

PETITION TO WITHDRAW ABANDONMENT UNDER MPEP SECTION 711.03(c)

Sir:

Applicant hereby petitions to withdraw the holding of abandonment as evidenced by the Notice of Abandonment dated March 28, 2003 (copy attached).

The holding of abandonment is unavoidable for the following reasons.

The Application was abandoned for failure to reply to a Notice to File Missing Parts (i.e. drawings). After a search of the file jacket and docket records was made, it was determined that the Notice to file Missing Parts was never received by Applicant. Attached is a Declaration of Terese P. Conboy and a computer printout of the Master Docket for U.S. Application Serial No. 09/821,121 (US010141) to further provide evidence to the Patent Office that the aforesaid Notice to File Missing Parts was never received by Applicant.

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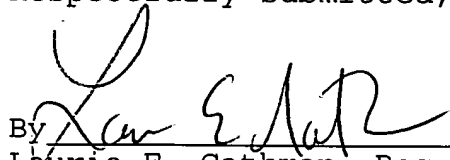
For completeness sake, attached hereto are the formal drawings for the above-identified application.

In view of the above, Applicant believes the holding of abandonment was unavoidable and hereby petitions for its withdrawal. Please charge this Petition fee and any fees except for the Issue fee that may be required to Deposit Account No. 14-1270. If the Patent and Trademark Office determines that this abandonment was unavoidable, Applicant respectfully requests that the Petition fee be waived.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By 
Laurie E. Gathman, Reg. 37,520
Attorney
(914) 333-9605

Enclosures: Copy of Abandonment
Declaration of Terese P. Conboy
Computer printout

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

On April 17 2003

By 

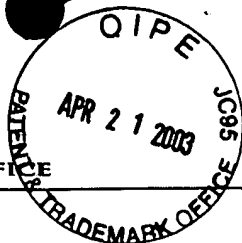
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APR 23 2003

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UNITED STATES
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Commissioner for Patents
Washington, DC 20231
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/821,121	03/29/2001	Jack E. Haken	US 010141

CONFIRMATION NO. 5640

**ABANDONMENT/TERMINATION
LETTER**



OC00000009724361

Corporate Patent Counsel
Philips Electronics North America Corporation
580 White Plains Road
Tarrytown, NY 10591

Date Mailed: 03/28/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/07/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

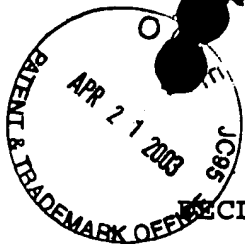
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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OFFICE OF PETITIONS



DECLARATION OF TERESE P. CONBOY
UNDER 1156 O.G. 53

RECEIVED
APR 23 2003
OFFICE OF PETITIONS

Sir:

I, the undersigned TERESE P. CONBOY, declare and say
that:

1. I am the Docketing Manager for Philips Electronics North America Corporation. My responsibilities include docketing the receipt of documents from the Patent and Trademark Office, maintaining records of such documents and periods for response thereunder. All communications from the Patent and Trademark Office are directed to me immediately upon receipt within the Company.

2. I maintain a computerized Attorney master Docket in which is recorded the due date for responding to Office Actions and all Notices received from the Patent and Trademark Office. The response due date for a Notice to File Missing Parts issued May 7, 2001, would have been July 7, 2001 (two months from the mailing date). There has been no entry in the Master Docket that any Notice was due let alone a Notice to File Missing Parts with a request for corrected drawings in the above-identified application. A copy of a computer printout of the Master Docket for U.S. Application Serial No. 09/821,121 (US010141) is attached hereto. It can be ascertained that the docket number [US010141 (U.S. Serial

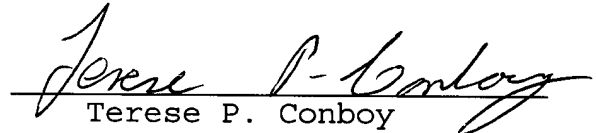
S:\GA\DECLARATION OF PAM CONBOY.ddc

No. 09/821,121)] of the above-identified application has no entry for a Notice to file Missing Parts (i.e. drawings).

3. Accordingly, from a review of all of the above-referenced records, it is my belief that the company did not receive the Notice to File Missing Parts.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated: 16-APRIL-2003


Terese P. Conboy

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TOOA UPDATE Time Limits 08APR2003

PH nr : US010141 PE basic appl: GATH GATHMAN, L.E.
Country : US UNITED STATES OF AMERICA PE group : 5 IP&S-US
Suffix : NORMAL MAC : 6 30MAR2001
AP/LP : N PE IP&S-US : GATH GATHMAN, L.E.
Applic. : KPENV Filing : 09/821121 29MAR2001
Status : 60 APPLICATION FILED DEFINIT Laid open :
St date : 05APR2001 Publicat. :
Grant :
USPTO confirmation nr : 5640

Deadline

Off.Action	Advice date	Note	Ind(U/F)	Receive date	Mailing date	Outsourced
29MAR2001	29MAR2001		-	29MAR2001	29MAR2001	
PKG-NL						N
28APR2003	28APR2003		-	28MAR2003		
PET REVIVE						N

PET REVIVE ; INCORRECT N.ABANDONMENT

Ready